

Magistrate Judge James P. Donohue

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AT SEATTLE
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

HECTOR HUERTA,
OCTAVIO HUERTA CRUZ, and
JASON RYAN HUERTA,

Defendants.

CASE NO. MJ11-499

COMPLAINT for VIOLATION

21 U.S.C. §§ 841(a)(1), (b)(1)(A), and
846

BEFORE United States Magistrate Judge P. Donohue, Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT 1
(Conspiracy to Distribute Methamphetamine)

Beginning at a time unknown, but within the last five years, and continuing until on or about October 7, 2011, in King County, within the Western District of Washington, and elsewhere, HECTOR HUERTA, OCTAVIO HUERTA CRUZ, and JASON RYAN HUERTA, and other persons unknown, knowingly and intentionally did conspire to distribute methamphetamine, a substance controlled under Schedule II, Title 21, United States Code, Section 812.

It is further alleged that this offense involved fifty grams or more of a mixture or substance containing a detectable amount of methamphetamine.

All in violation of Title 21, United States Code, Section 841(a)(1), 841(b)(1)(B),

1 and 846.

2 **COUNT 2**
3 **(Distribution of Methamphetamine)**

4 On or about April 5, 2011, in King County, within the Western District of
5 Washington, HECTOR HUERTA and OCTAVIO HUERTA knowingly and intentionally
6 did distribute, and aid and abet the distribution of, methamphetamine, a substance
7 controlled under Schedule II, Title 21, United States Code, Section 812.

8 All in violation of Title 21, United States Code, Section 841(a)(1) and
9 841(b)(1)(C) and Title 18, United States Code, Section 2.

10 **COUNT 3**
11 **(Distribution of Methamphetamine)**

12 On or about October 7, 2011, in King County, within the Western District of
13 Washington, HECTOR HUERTA and JASON RYAN HUERTA knowingly and
14 intentionally did distribute, and aid and abet the distribution of, methamphetamine, a
15 substance controlled under Schedule II, Title 21, United States Code, Section 812.

16 All in violation of Title 21, United States Code, Section 841(a)(1) and
17 841(b)(1)(C) and Title 18, United States Code, Section 2.

18 **And the Complainant, Michael Jacobi, states that this Complaint is based on the**
19 **following information:**

20 **AFFIANT'S BACKGROUND**

21 1. I am employed as a Special Agent (SA) with the Bureau of Alcohol,
22 Tobacco, Firearms and Explosives (ATF), assigned to the Seattle Field Office Violent
23 Gangs Task Force (VGTF). I am a graduate of the Federal Law Enforcement Training
24 Center, Criminal Investigator Training Program and the ATF National Academy. During
25 this training, I received instruction relating to the investigation of firearm and drug related
26 violations. Prior to joining ATF, I was a Border Patrol Agent and am a graduate from the
27 U.S. Border Patrol Academy. During my career as a Patrol Agent and as a Special Agent,
28 I have had training and experience with cases involving the smuggling of people,

1 monetary assets, animals, narcotics, and firearms. I have been involved in numerous
2 investigations involving the unlawful purchase and/or unlawful possession of firearms
3 and the illegal use of firearms during crimes of violence and/or drug trafficking.

4 2. The statements contained in this affidavit are based on my own
5 investigation, my training and experience as a law enforcement agent, as well as
6 information provided to me by and/or through other law enforcement agents,
7 investigators, and individuals with knowledge of this matter, during the course of my
8 investigation, and through my review of documents. This affidavit summarizes such
9 information but does not provide each and every detail known by your affiant regarding
10 this investigation; rather it provides information necessary to establish probable cause for
11 the arrests of Hector HUERTA, Octavio HUERTA, and Jason Ryan HUERTA.

12 **CONFIDENTIAL INFORMANT**

13 3. As outlined below, a confidential informant, CI-31, was utilized for the
14 controlled purchases of firearms and methamphetamine in this investigation. CI-31
15 currently has no criminal convictions. He/She has pending state charges and has
16 cooperated with law enforcement with the expectation that if he/she assists in an
17 investigation which results in federal arrests, the State will dismiss his pending charges.
18 The charges currently pending against CI-31 include Burglary in the Second Degree,
19 Theft in the First Degree, and Theft of a Motor Vehicle. These charges have already been
20 filed. Moreover, after the first couple of controlled purchases, I have paid the CI
21 approximately \$100 for each successful controlled purchase. The CI has cooperated with
22 another law enforcement agency and has also worked with me on another case. To my
23 knowledge, the CI has never given me false information, and the information he/she has
24 provided to me has generally proved to be true, some examples of which are outlined
25 herein. For each of the controlled purchases below, the CI was searched prior to the
26 purchases for any contraband or concerning items and was found not to be in possession
27 of any such items.
28

INVESTIGATION & PROBABLE CAUSE**April 5, 2011: Sale of Methamphetamine and Firearm**

4. On April 4, 2011, CI-31 contacted the affiant and stated that he/she was contacted by a Hispanic male known to him/her as 'EL MICHUACONO', later identified as HECTOR HUERTA. For ease of reading, I will identify each defendant by their first name. HECTOR told the CI he had an AK-47 rifle for sale. The CI stated that HECTOR works with his two sons; however, he/she does not know any of their names. The CI told the affiant HECTOR drives a gray Range Rover bearing Washington registration AAN2530.

5. On April 5, 2011, I learned from the Department of Licensing that the above vehicle is registered to OCTAVIO HUERTA CRUZ with a listed address of 1427 S. Henderson St. Apt 4B, Seattle, Washington 98108. The CI stated this was the address is HECTOR's home. The CI further confirmed the photo on the driver's licence for OCTAVIO as being a picture of one of HECTOR's sons.

6. On the same date, CI-31 arranged the purchase of one SKS type rifle and a half ounce of methamphetamine from HECTOR, and his two sons, OCTAVIO and JASON RYAN HUERTA. The controlled purchase of said items was covered by the ATF Violent Gang Task Force (VGTF) and took place at 28411 59th Ave S., Auburn, Washington.

7. The above location is farmland rented by the targets. I believe this to be true because HECTOR told CI-31 that his family rents the farmland. This property is situated in a rural area and is considerably isolated. It is a significant distance from paved roads and has only one access route.

8. Prior to the controlled purchase CI-31 met the VGTF at a staging location to be briefed, and equipped with an audio transmitter, an audio/video recording device, and ATF buy money. The CI was followed toward the entrance of 59th Ave. S., Auburn, Washington. Moments later surveillance units heard the CI greeted by a male and the sound of roosters in the background via wire. All communication between the CI and the

1 targets was in Spanish.

2 9. Subsequent to the deal the CI was followed to a debriefing location where
3 the CI turned over the purchased rifle and suspected methamphetamine. The CI then
4 stated the following, in sum, to the affiant: After arriving at his farmland the target
5 known to him/her as HECTOR spoke about chicken fights, some of which take place at
6 his farm. HECTOR invited the CI to an upcoming chicken fight and told the CI he would
7 sell him/her a chicken to fight for \$250.00. The SKS rifle was removed from a green
8 Jeep Cherokee with an Idaho license plate and handed to the CI by OCTAVIO. The CI
9 then gave HECTOR \$500.00 for the rifle. OCTAVIO then showed the CI a .22 caliber
10 rifle that he also wanted to sell. OCTAVIO then fired several rounds from the .22 caliber
11 rifle into the trees. HECTOR stated that his methamphetamine supplier was on the way.
12 HECTOR told his son OCTAVIO to go meet the supplier because he does not want him
13 to know the location of their property. HECTOR stated that he can get pistols fast and
14 cheap. HECTOR stated that he has 12 pounds of marijuana for sale for "12 (hundred
15 dollars) a pound" and stated that it is grown locally in the mountains. HECTOR stated his
16 nephew in Mexico has large amounts of cocaine and crystal methamphetamine but that he
17 does not have customers to whom he could sell that type of quantity. When HECTOR's
18 son OCTAVIO returned, he handed the CI the methamphetamine in exchange for
19 \$500.00. Before the CI left, HECTOR stated that he would call the CI the following day
20 with more guns to sell.

21 10. Following the debrief, I transported the evidence to ATF for processing.
22 The rifle ATF CI-31 purchased was a Norinco, model SKS, 7.62 caliber rifle bearing
23 serial number 1703976. This rifle was referenced in NCIC and did not have a record.
24 The suspected methamphetamine purchased by the CI field tested positive for
25 methamphetamine and weighed 15.0 grams with packaging.

26 **May 2, 2011: Sale of Three Firearms**

27 11. On April 6, 2011, CI-31 told the affiant that HECTOR had called him and
28 stated that he had two 9 mm pistols, a .22 caliber rifle, and a .22 caliber revolver to sell.

12. On April 31, 2011, ATF CI-31 was contacted by HECTOR who informed the CI that he has guns to sell. HECTOR told CI-31 that he had a rifle, a revolver, and a pistol he wanted to sell. CI-31 arranged a meeting with HECTOR to take place on Monday, May 2, 2011 for the CI to purchase the three firearms. HECTOR told the CI that it would be \$800 for the three guns.

13. On the morning of May 2, 2011, CI-31 spoke to HECTOR several times concerning the meeting scheduled for later that afternoon; it was set to take place again at 28411 59th Ave S., Auburn, Washington. On this same date, CI-31 met members of the VGTF at a staging location prior to the meeting with HECTOR to be briefed and equipped with an audio transmitter, an audio/video recording device, and ATF buy money.

14. The CI was then followed toward the meet location. The recording of the meet was translated by a Spanish interpreter. Based on the interpretation, I believe HECTOR engaged in a conversation regarding chicken fights. HECTOR told the CI that the day before he hosted a chicken fight on the property he rents. HECTOR showed the CI some of his fighting birds and some bags containing dead chickens that were killed in fights the previous day. HECTOR expressed to the CI how good his fighting birds are; he picked up one rooster and lifted its feathers to show a cut that it had recently sustained and HECTOR told the CI that it was the only one of his fighters that got cut but it was fine because it killed the other bird. HECTOR told the CI that he can come to the next chicken fight at his place in three weeks; it costs \$20 to come and watch and \$50 to enter birds into the fights. HECTOR also stated that he had kilograms of cocaine for sale at \$26,000 per kilogram. HECTOR asked the CI if he/she wanted to buy some methamphetamine and he pulled an ounce or half ounce baggie of methamphetamine out from his pocket.

15. HECTOR showed the CI the guns and then stated that the price was \$1,000 for all three. The CI stated that he was previously told \$800. HECTOR again stated that he was charging \$1,000 for the guns. The CI paid HECTOR who told him that he will

1 have AK rifles to sell him the following day and grenades in 15 days.

2 16. Five minutes after departing HECTOR's farm, the CI received a phone call
3 from HECTOR who stated that he just got notice from a supplier that he had a .45 caliber
4 pistol and that it will be at his farm in 10 minutes if he wanted to come back and buy it.

5 17. Subsequent to the controlled purchase of the firearms the CI was followed
6 after departing the target's property to a debriefing location where the CI turned over the
7 purchased firearms, which were: a Remington Model 522, .22lr caliber rifle bearing serial
8 number 3099300; a Ruger Model P95, 9mm caliber pistol bearing serial number
9 316-60547, and a Gerstenberger & Eberwein Model 220, 22 caliber revolver bearing
10 serial number 4969. All three firearms were referenced in NCIC and the Ruger Model
11 P95, 9mm caliber pistol bearing serial number 316-60547 was reported stolen. The other
12 two firearms were not.

13 **June 9, 2011: Sale of Three Firearms**

14 18. On June 8, 2011, ATF CI-31 was informed by HECTOR that he had guns
15 and methamphetamine for sale. HECTOR told CI-31 that he had a .40 caliber pistol and
16 two shotguns for sale, a 12 gauge and a 20 gauge. The CI stated that he/she was
17 interested in the guns and offered to meet the following day to purchase them.

18 19. On June 9, 2011, CI-31 received several phone calls from HECTOR, who
19 wanted to know what time the CI wanted to meet in order to purchase the guns. The
20 meeting was arranged to take place that same after noon at HECTOR's property located
21 at 28411 59th Ave S., Auburn, Washington. When asked how much he wanted for the
22 guns, HECTOR told the CI that he wanted \$1,300.00 for the pistol and two shotguns.

23 20. On this same date, CI-31 met members of the VGTF at a staging location
24 prior to the meeting with HECTOR to be briefed and equipped with an audio transmitter,
25 and ATF buy money.

26 21. The CI was followed from the staging area to towards the meet location.
27 All communication between the CI and HECTOR, and his two sons was in Spanish.

28 22. Surveillance units heard CI-31 counting out \$1,300.00 in Spanish via wire

1 as he/she exchanged the money for the three guns with HECTOR.

2 23. Subsequent to the controlled purchase of the firearms the CI was followed
3 to a debriefing location where the CI turned over the purchased firearms. The CI stated
4 the following information during the debrief: There are several hundred chickens on
5 HECTOR's property but they belong to several different people. HECTOR still has
6 several pounds of marijuana that he wants to sell and would trade a couple pounds for a
7 pick-up truck. HUERTA then talked about getting methamphetamine for the CI.
8 Following the debrief, I transported the evidence to ATF for processing. CI-31 purchased
9 the following firearms: a Beretta Model 96, .40 caliber pistol bearing serial number
10 BER308340, a Remington Model 870, 12 gauge shotgun bearing serial number
11 I450584M, and Remington Model 870, and a 20 gauge shotgun, bearing serial number
12 B084948U. All three firearms were referenced in NCIC and the Beretta Model 96, .40
13 caliber pistol bearing serial number BER308340 was reported stolen. The other two
14 firearms were not.

15 **October 7, 2011: Sale of Methamphetamine and Two Firearms**

16 24. On August 1, 2011, CI-31 spoke with HECTOR via telephone. During the
17 conversation, HECTOR stated that he would be ready to sell the CI three ounces of
18 methamphetamine, at \$1000.00 per ounce.

19 25. On August 2, 2011, CI-31 received several phone calls from HECTOR in
20 which HECTOR told the CI not to let him down, and to come through with the money
21 because he had the methamphetamine ready. CI-31 received another phone call where
22 HECTOR instructed him/her to come to his residence located at 1427 S. Henderson
23 Street, Apt. 4B, Seattle, WA 98108 where he would be ready to sell him/her the
24 methamphetamine. After meeting at the staging location CI-31 was briefed and outfitted
25 with an audio transmitter and a digital audio/video recording device along with
26 pre-recorded buy money. When escorting the CI to the meet location I observed several
27 males standing outside the apartment complex when driving by, one of whom I
28 recognized as HECTOR. After exiting his vehicle CI-31 was immediately heard being

1 greeted via wire transmitter. All communication between the CI and HECTOR and his
2 family was in Spanish.

3 26. Subsequent to the CI's departure from HECTOR's, the CI was followed to a
4 debriefing location and where he/she stated the following to the affiant: Just after the CI
5 arrived, HECTOR stated that he saw a vehicle that he thought was a unmarked police
6 vehicle and it really concerned him. HECTOR told the CI that his son had to go by the
7 Juan Colorado Restaurant to pick up the methamphetamine. JASON departed in a
8 Chevrolet Cavalier to go get the methamphetamine. When JASON returned he and
9 HECTOR went into a bedroom, where the CI could hear them speaking about a vehicle.
10 The CI believed this to be the suspected unmarked police vehicle. Moments after the two
11 men came out of the bedroom, HECTOR told the CI that he couldn't do the deal at that
12 time because his supplier was not available.

13 27. On October 6, 2011, ATF CI-31 was in contact with HECTOR who stated
14 that he had two shotguns and methamphetamine to sell. The affiant directed ATF CI-31
15 to order two ounces of methamphetamine and the two shotguns. HECTOR informed
16 CI-31 the shotguns were \$300 each and that the methamphetamine was \$1,000 an ounce.
17 HECTOR told the CI to come to his farm property located at 28411 59th Ave S., Auburn,
18 Washington the next morning.

19 28. On October 7, 2011, CI-31 met with the affiant and members of the VGTF
20 at a staging location prior to meeting with HECTOR. The CI placed a recorded phone
21 call to HECTOR at (208) 412-9086 to confirm that he was ready to meet. The CI was
22 briefed and then the CI and his/her vehicle were searched for firearms, narcotics, and
23 other contraband, none were found. The CI was then equipped with an audio transmitter,
24 and ATF buy money.

25 29. The CI was followed from the staging area to the turn off road leading to
26 the target's farm property. When the CI arrived at the target's location surveillance units
27 could hear roosters via the wire and the CI was heard greeting individuals in Spanish. All
28 communication between the CI and HECTOR and JASON was in Spanish.

1 30. Surveillance units heard CI-31 and a person they believed to be JASON,
2 based on past opportunities to hear JASON speak on a wired conversation, counting out
3 money in Spanish.

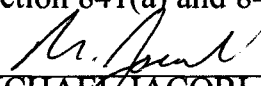
4 31. Subsequent to the controlled purchase of the firearms and
5 methamphetamine, the CI was followed after departing HECTOR's property to a
6 debriefing location. At this location the CI turned over the purchased firearms, narcotics,
7 and excess ATF buy money. The CI and his/her vehicle were searched again for firearms,
8 narcotics, other contraband, and ATF buy money, none were found. The CI stated the
9 following information during the debrief: The CI did not see HECTOR or his son
10 JASON when entering their property until he/she observed them both coming out from
11 behind trees as they were lowering the shotguns from an aimed position. HECTOR told
12 the CI that he was nervous because he didn't recognize the CI's vehicle as it was different
13 from the ones the CI had driven to the property previously.

14 32. HECTOR came to the CI's vehicle and unloaded three rounds from a
15 Mossberg 12 gauge pump shotgun by manually removing them by hand, and put it into
16 the CI's trunk. Then JASON approached the CI's vehicle and unloaded three rounds from
17 a Marlin 12 gauge bolt action shotgun, manually by removing them by hand, and also
18 placed it into the trunk of the CI's vehicle. The CI then handed HECTOR \$600.00 for the
19 two shotguns. JASON then handed the CI two plastic baggies each containing an ounce
20 of methamphetamine. The CI then handed JASON \$2,000. HECTOR informed the CI
21 that there will be chicken fights on November 24th on his property. HECTOR offered to
22 trade the CI two more ounces of methamphetamine for the CI's vehicle.

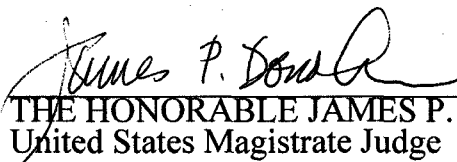
23 33. Following the debrief, SA Cooper transported the evidence to ATF for
24 processing. CI-31 purchased the following firearms: a Mossberg Model 500AG, 12
25 gauge shotgun, bearing serial number J279942, a Marlin Model 55, 12 gauge shotgun
26 bearing serial number 28778884. CI-31 also purchased two ounces of methamphetamine.
27 The methamphetamine weighed 57.1 grams in packaging and field tested positive. Both
28 firearms were referenced in NCIC and neither of them had been reported stolen.

CONCLUSION

34. Based on the aforementioned facts, I believe that HECTOR HUERTA, OCTAVIO HUERTA, and JASON RYAN HUERTA committed the crimes of Conspiracy to Distribute Methamphetamine and Distribution of Methamphetamine, in violation of Title 21, United States Code, Section 841(a) and 846.


MICHAEL JACOBI
SPECIAL AGENT
ATF

SUBSCRIBED and SWORN to before me this 14th day of October, 2011.


THE HONORABLE JAMES P. DONOHUE.
United States Magistrate Judge